

# The Topeka State Journal.

10 CENTS A WEEK.

TOPEKA, KANSAS, SATURDAY EVENING, NOVEMBER 17, 1894.

TWENTY-SECOND YEAR.

## DR. McCASEY TO GO.

Formal Charges Being Prepared Under Populist Auspices

Against the Insane Asylum Superintendent.

## CHARGES ARE TWELVE

Comprising Fully Two Hundred Specifications.

A Thorough Investigation to Follow.

It appears the engineering for Dr. McCasey's removal as superintendent at the insane asylum has already been started, and through Populist influences, not Republican.

Dr. McCasey has made a hard fight to retain his position, which pays him a salary of \$3,000 a year and all expenses but it has been a losing fight, although he has been protected by the present administration.

The present investigation by the present state board of charities was nothing more than a farce, and by Governor Leavelle refusing to order a legislative investigation of the asylum, Dr. McCasey continues to be a menace to the welfare of one of the most important of our state institutions.

Notwithstanding his success up to this time in holding on to his office Dr. McCasey will soon be removed.

A prominent Topeka Populist lawyer is now preparing formal charges against Dr. McCasey, which will be filed with Governor Morrill during the first week of his administration. The charges now being prepared contain twelve distinct charges and over 200 specifications and when these are filed with Governor Morrill a regular public legislative investigation of the asylum will be ordered.

The twelve charges which Dr. McCasey will be compelled to face and attempt to prove himself not guilty are as follows:

- 1-Incompetency.
- 2-Criminal negligence.
- 3-Falsifying.
- 4-Detention of character of officers and employees.
- 5-Neglect of duty.
- 6-Injuring state property.
- 7-Insulting officers.
- 8-Intention to patients.
- 9-Using state property for personal benefit.
- 10-Insultation to members of state board of charities.
- 11-Raising state property.
- 12-Insulting language to women employees.

These twelve charges contain 200 specifications.

There are a few members of the present administration who would be glad to have Dr. McCasey resign, as they know he is incompetent, and by resigning within the next few weeks he might possibly save the Populist administration the disgrace of a public investigation.

Unless the Populists do something to straighten out the state institutions themselves before the first of January, the insane, reform school and the school for imbecile youths at Winfield, will all be subjected to regular legislative investigations.

## ROBT. C. WINTHROP DEAD.

The Noted Senator Passed Away at Boston Last Night.

Boston, Nov. 17.—Robert C. Winthrop died here last night at 11:30 o'clock. He had been in delicate health for a long time and the end was not unexpected. Mr. Winthrop had been living in quiet retirement for several years on this account. He was one of Massachusetts' most noted men, classing high as statesman and orator.

He was one of the principal orators at the dedication of the Washington monument, the oration being Senator John W. Daniel of Virginia.

Robert C. Winthrop was a descendant of Governor Winthrop, was born in Boston, Mass., May 12, 1808. He graduated at Harvard college in 1828, studied law in the office of Daniel Webster, and was admitted to the bar in 1831. He served in the House of Representatives of Massachusetts from 1833 to 1840, and in the latter year was elected a member of congress, in which he acted with the Whig party.

Having been re-elected he continued in congress for ten years, and was chosen speaker of the house of representatives in December, 1847. He was the Whig candidate for speaker in 1849, but his opponent, Mr. Cobb, was elected by a plurality of two or three votes, after a contest which lasted three weeks.

In 1850 he was appointed a senator of the United States for a part of the unexpired term of Senator A. A. Webb, who resigned his seat. He was the Whig candidate for the office of senator in 1851, but was defeated by Charles Sumner. A volume of his "Addresses and Speeches" was published in 1852.

**Antions to Meet Yale.** LONDON, Nov. 17.—W. J. Oakley, president of the Oxford University Athletic club, says his men are anxious to be pitted against Yale in 1895, and that if Yale issues the challenge, the university will send a team to the United States. The players want the challenge issued right away so they can begin preparations.

**Murderer Forbush Died.** HUNTSVILLE, Mo., Nov. 17.—Reason Forbush, the negro murderer so badly wounded yesterday in an attempt to escape from jail, died from his wounds. He was to have been hanged next Wednesday for the murder of Granville Hays at Glasgow, Mo., in 1892.

**Official Returns.** The official returns from all but three of the 103 counties in the state of the vote on governor give Morrill 145,050, Leavelle 118,075, Overmyer 27,144, Pickering 8,503.

## RITCHIE CAN'T BE PAID.

There is No City Engineer to Measure Up the Sidewalks.

A new complication has arisen in the city engineer squabble between the mayor and council. The sidewalk contractor, John Ritchie, will complete the sidewalks under his contract within a day or two, and he cannot be paid until the city has been measured and the final estimate made. No one is authorized to do this but a regularly qualified city engineer, and as the city is without one there is nothing for Mr. Ritchie to do but await the pleasure of the mayor and council.

Mr. Ritchie said, in speaking about the matter: "I am in no way concerned with this trouble nor do I want to be, but I have to suffer the consequences. I need the money badly, but I do not see that I can do anything."

Mr. Ritchie has built walks in front of 1,200 numbers and has had two estimates aggregating \$5,150. The balance due to him will not be known until the final estimates can be made.

James McCabe, who was discharged by Mayor Harrison reports to the city clerk for work every morning but he is doing no work. He will, however, make a claim for his salary since his discharge. The sewer in district 17 is almost completed and Henry Engel has been acting as sewer inspector, though he was discharged at the same time as McCabe.

## W. C. T. U. CONVENTION.

The Second Day's Session Devoted to Business Affairs of the Organization.

CLEVELAND, Ohio, Nov. 17.—The second day's session of the twenty-first annual convention of the National W. C. T. U., began this morning with the usual devotional exercises, a prayer by Mrs. R. B. Hall of Carthage, Mo., and a hymn by the audience. The reading of the minutes followed, and after this a large number of ladies were invited to seats on the platform.

The first business of importance to come before the convention was the special order arranged for on the previous day. As soon as the order was called for, Mrs. Benjamin of Massachusetts rose and introduced an amendment to article No. 1, section 13, the union by-laws. This section provided that the president should preside at all meetings of the executive committee meetings. Mrs. Benjamin's amendment provided for the appointment of a vice president-at-large by the president.

A motion to lay on the table was lost. The consideration of the amendment was deferred until the report of the credential committee was read.

Mrs. Bullen of New York, then began the reading of the credentials committee's report.

The report, a preliminary one, subject to change, indicated the presence of 947 voting delegates.

Mrs. J. T. Foster of Cleveland, then took charge of the meeting and introduced Mrs. Martha Oviatt Cox, who sang very sweetly the hymn, "Nearer My God to Thee." An impressive silence prevailed during the singing. Mrs. H. Ford, a Cleveland crusader, then read a portion of the scriptures, the last chapter of Deuteronomy. Mrs. Manley of Akron, Ohio, Mrs. Sarah Knowles Bolton, the author, spoke briefly and Mrs. Louisa Hedges of Piqua, who was jailed in Cincinnati during the crusade, addressed the audience in the singing of "How Firm a Foundation." Mrs. N. Coe Stewart, who was a member of the first praying band, spoke of the crusade times and also for the ballot for women and saying she expected, some day, to vote. Mrs. Stewart's address was followed by the singing of "My Faith Looks Up to Thee." After this Mother Thompson, of Hillsboro, Ohio, was introduced for two minutes' speech. Tremendous applause greeted the conclusion of Mrs. Thompson's brief address.

Rev. Henrietta Moore next spoke and lead in prayer. A motion to defer the special order of business until after reading the minutes at the afternoon session, was carried and the session adjourned until 2 p. m.

## SHOT DEFENSELESS PEOPLE

The Massacre of Armenians was Awful and Unprovoked.

LONDON, Nov. 17.—A dispatch to the Standard from Werns, Bulgaria, says that despite the Turkish government's silence, facts have come out which leave no doubt that a massacre of Christians has occurred on an important scale as the butchery at Batok, Bulgaria, which sent a thrill of horror through the civilized world. The trouble began with the refusal of the Armenians to pay tax on the place, possibly well founded, that the frequent Turkish raids have impoverished them. A few troops were sent to collect the taxes but were beaten. The governor of Bitlis resolved to make an example in order to prevent a repetition of the revolt. He ordered the troops to fire on the defenseless people. The order was executed and the soldiers only rested from their labors when twenty-five villages were destroyed and thousands of their inhabitants killed.

## THE CHOLERA FUND.

Arguments in the District Court on the Injunction Case.

The arguments in the injunction case against the state board of health to prevent the expenditure of the \$8,000 balance of the cholera fund are being made before Judge Z. T. Hazen in the district court this afternoon.

Assistant Attorney General George W. Clark; Judge Frank Dexter; Attorney General-elect F. B. Dawes and F. P. Harkness of Clay Center are appearing for the state board of health, and Capt. J. G. Waters is representing the county attorney and the state.

## STUDENTS WON'T SWEAR.

They Refuse to Give Allegiance to Czar Nicholas and Are Arrested.

LONDON, Nov. 17.—A dispatch from Vienna to the Daily News, says a telegram from St. Petersburg states that the students at the polytechnic school refused to swear allegiance to Czar Nicholas on the ground that they oppose the principle of monarchy. Several of them have been arrested.

## VILLAINOUS.

An Enraged Man Beats His Wife Brutally.

Breaking Her Arm, Her Nose and a Rib.

## A TALE OF HORROR.

The Poor Woman Pounded With a Fence Board

In the Presence of Her Small Children.

"Mrs. Linn, at north side insane asylum, North Topeka, right arm broken; left rib ditto; nose ditto, by husband." This was the way a note read which a STATE JOURNAL reporter found on his desk this morning.

The reporter, who visited the north side asylum and hospital, saw a pitiful sight and heard a terrible story of a villainous husband's cruelty.

The Mrs. Linn referred to was found to be Mrs. Jennie Linn who up to Monday morning lived with her husband, George Linn and their three children, seven miles south of Topeka, near Paulina.

Stephen Bedwell, proprietor of the hospital, said the woman and her three little children were brought to his place last evening about dark by Four Commissioner Hale.

The JOURNAL reporter found the unfortunate woman seated in one of the large south windows in the woman's ward of the hospital and asylum, surrounded by her three little children and a half dozen half crazy women of all ages and colors. Her right arm was bandaged in surgeon's splints; her nose was swollen and a red mark across the bridge, indicated where it was broken. Between her sobs and groans the woman informed the reporter that one of her left ribs was broken and another one had been cracked.

Mrs. Linn said she received all her injuries at the hands of her husband early Monday morning before breakfast. The woman's appearance plainly indicated extreme poverty, she wore a faded calico dress and her three little freckle-faced children the oldest of which does not seem to be over six years old, showed plainly that they had not been accustomed to the luxuries of life and they seemed happy as if on a visit instead of being outcasts from home as they are.

Mrs. Linn's story could only be learned in a disconnected way, but the substance of it is that her husband, George Linn, has been ill-treating her for some time, and Monday morning he threatened to take her sewing machine to town and sell it.

Mrs. Linn objected and a quarrel arose. The husband went outside and seized a fence board proceeded to enforce his rights as "master of the house."

The brute, in the presence of the children, broke his wife's arm below the elbow with the fence board; he struck her on the nose fracturing it, and with his heavy boot he kicked her in the side, breaking one rib and cracking another.

When she could no longer resist, Mrs. Linn took her three children and managed to get to the nearest neighbor, where she was given help and a doctor was secured. Doctor Taylor the physician who was called set her broken arm and dressed her other injuries. She was cared for by the neighbors until the next evening when she, with her children, was brought to Topeka and turned over to Poor Commissioner Hale to be cared for at the expense of the county.

Mrs. Linn told the JOURNAL reporter that she and her husband have been having trouble for several months and that she can never go back and live with him again. She said she was told her husband had gone to his mother's, who lives two miles from their home.

## SISTERS WERE THEY.

They Were Married to Two Auburn Young Men This Afternoon.

There was a double wedding in the prolate court this afternoon. Katie English and Anna C. English are sisters and they live at Auburn. John D. Smith and Albert Hagen were the happy swains. They concluded they would just come to town and get married, and they did. The warmth of so much love in the court room at once made it necessary to open the windows, and Judge Elliott had to wipe his forehead several times while he was performing the ceremony. It was a double knot, but he got it tied amid the applause of the spectators of which there were several—invited guests from Auburn and people who had incidentally dropped in. Neither of the grooms fainted.

## Jury Got in Banker Little's Case.

OLAH, Kan., Nov. 17.—After the examination of the special venire of 200 men, a jury of twelve farmers was finally chosen at noon today to serve on the Banker A. W. Little murder trial. The case will be called at 2 o'clock, and the afternoon will be occupied by the state in making a statement of the case.

**New York Bank Statement.** NEW YORK, Nov. 17.—The weekly bank statement shows the following changes: Reserve, increase \$1,054,403; loans, decrease \$177,700; specie, increase \$744,700; legal tenders, increase \$1,151,300; deposits, increase \$2,871,390; circulation, decrease \$37,600. The banks now hold \$62,974,950 in excess of the requirements of the 25 per cent rule.

## Eton Boys Get a Vacation.

LONDON, Nov. 17.—The boys become more serious every day. The river Thames rose four inches at Windsor during the night. Eton college is closed and all the boys have been sent home. Not since 1891 has it been so high. At Oxford the Christ church meadows are flooded by four feet of water and Magdalen gardens are in a like condition.

## DR. BRIGGS' NEW BOOK.

It Is Called "The Messiah of the Gospels," and May Cause Comment.

NEW YORK, Nov. 17.—The Commercial Advertiser this afternoon will publish a synopsis of the latest work of Professor Charles A. Briggs of the Union Theological seminary. The book, "The Messiah of the Gospels," is intended to follow "Messiah: A Prophecy," which caused so much comment, published in 1888. It was the intention of Dr. Briggs to publish "The Messiah of the Gospels" in 1887, but the charges of heresy were brought about in the meantime and has been compelled to defer publication until now. The dedication runs as follows:

"To Henry Preserved Smith, true scholar, faithful friend and brave companion in holy warfare, this book is dedicated in sympathy and love."

In his latest book, Dr. Briggs has entered minutely into a discussion of the second advent. He is convinced that the faith of the church of the day is degenerative in its lack of apprehension of the reigning Christ and in its neglect of the second advent of our Lord.

The chapters on immaculate conception will perhaps call for the most criticism. He says: "The blessed virgin was residing in Nazareth of Galilee, brother to Joseph of the royal line of David, the heir of the Messianic promises of the old testament. Time for marriages had not yet come. God had a higher appointment for her to fulfill as the virgin mother of the Messiah."

The virgin conception of Jesus as announced by the archangel is not to be interpreted as if it were a miracle in violation of the laws of nature, but rather as brought about by God himself, present in theophany."

Reference is made to the light of the logic, the discussion of which played so prominent a part at the trial of Dr. Briggs for heresy. He says: "The gospels give glimpses of the life and teachings of Jesus, from four different points of view."

"Mark is the simplest and earliest in composition. Almost all that is given in Mark appears in Matthew and Luke, both of these gospels using the earlier Mark. Matthew is distinguished by long discourses of Jesus upon several great themes."

"Luke gives them more in their circumstances of their utterance."

"The gospel of John is different from the other three, in that the material is entirely new. It gives us more esoteric teaching of Jesus and events of a more private and personal character, all bearing the marks of deep and thorough reflection upon the person and life of Jesus."

Dr. Briggs makes a special study of the second advent of Christ. He makes the lesson of the second advent of greater importance than most theologians have deemed necessary and has brought many truths to light that heretofore have remained hidden, or have at least been disregarded.

Dr. Briggs' views on the doctrine of the resurrection have aroused considerable comment. It was said that he was obscure. He says: "The hour of resurrection is coming. It cannot be said of it that it is 'now' or that it is 'at hand.' We have, however, a prediction of three resurrections, the first spiritual, the last universal; the intermediate one distinct from the first and last and impending, being connected with the resurrection of the Messiah himself."

## BY TENNYSON'S NIECE.

The "Joker," a Play Written by Her, Acted in by an American Girl.

LONDON, Nov. 17.—The stormy weather which has prevailed here during the past week has greatly reduced the casual attendance at the music halls, but it has not affected the business of the leading theaters.

On Tuesday last, at a matinee of the Avenue theater, Mary Elliott Page, a young American lady, made her debut in a play entitled "Joker," written by a niece of the late Baron Tennyson. The Hon. Cosmo Lounox, a nephew of the Duke of Richmond, also made his debut in a small part in the same piece.

The Carl Rosa Opera company produced Prof. Hamosh McCann's opera "Jennie Deans" founded on Sir Walter Scott's "The Heart of Mid-Lothian" at Edinburgh last evening before a brilliant audience, including the Marquis of Lorne, which received the opera with acclamation.

Another Wagnerian is in preparation at Munich. In 1835-36, age twenty-two, Wagner wrote a two act opera called "Das Liebesverbot," the libretto of which was based mainly upon Shakespeare's "Measure for Measure." The part of Isabella was intended for that great prima donna, Schroeder Devrient. The music is said to strongly reflect the influence of Auber and Bellini, with whose "Masaniello" and "Montagne et Capulets" young Wagner was familiar.

## FIRE AT VALLEY FALLS.

Dr. Swallow's Drug Store Destroyed and "Vindicator" Office Flooded.

VALLEY FALLS, Kan., Nov. 17.—At 2 o'clock this morning Dr. Frank Swallow's drug store was discovered to be on fire. The fire company responded and confined the fire to the building, but the drug stock was ruined, making a loss of \$4,000 partly insured. The store was completely gutted.

The Vindicator printing office, in a basement on door away was flooded with three feet of water. Dr. Swallow was head physician of the order of Modern Woodmen and all his records, papers, etc., are destroyed, which will delay his work for a while for the order.

## Lynechers Indicted for Murder.

GOLDEN, Colo., Nov. 17.—The grand jury has returned indictments against Richard Shepard, John Koch, John Richwein and George Vogel, well-known citizens for alleged participation in the lynching of Alexander M. McCurdy on the night of June 1. The charge is murder.

## Dropped a Match in Powder.

BLACK HAWK, Col., Nov. 17.—A workman dropped a lighted candle in a keg of powder at the Perigo mine tunnel at 3 a. m. today. The powder did not explode, but a fire started, the smoke and fumes from which threatened to death four workmen in the tunnel.

## RIOT FOR WAGES.

Discharged City Employees in Chicago Demand Pay.

They Are Told That the Treasury is Empty.

## POLICE CALLED OUT.

First Squad Attacked and Driven Away by Rioters.

More Officers Succeed in Quelling the Trouble.

CHICAGO, Nov. 17.—A large detail of police were called out at noon today to quell a bread riot in the city hall. Two hundred and fifty discharged employees of the water department gathered about the comptroller's office and demanded the wages due them. The comptroller sent a clerk to inform the men that there was no money in the city treasury to pay them.

Instantly the crowd became riotous. Cries for bread and threats of instant vengeance were howled forth by the angry crowd and the comptroller gathering his clerks, barred the doors of his office and sent a hurried call for policemen. A half dozen officers appeared but were promptly rushed out of the corridor by the thoroughly aroused men.

A battalion of patrolmen was summoned and after a liberal use of force, the rioters were clubbed into submission and driven from the city hall. The large crowd which had been attracted by the disturbance, was heartily in sympathy with the ex-employees and threats to compel instant payment of the overdue wages were numerous until the police succeeded in dispersing the throng.

## BREAD! BUT NO SURRENDER.

The Terrible Plight of the Striking Cook Makers.

NEW YORK, Nov. 17.—The cloakmakers, who are striking for higher wages and better conditions, are face to face with hunger. Their cry now is, "Bread! Bread! Give us bread!" but they do not talk of surrender.

The leaders of the strike are at their wits' end. They have begged for assistance in any form, but it has not come. The strikers appear not to care whether they starve or not. They look like men driven to the last extremity—men who are prepared for almost anything. The delegates to the convention of the United Garment Workers' of America, which will meet here next Monday, have promised that they will levy an assessment of \$20,000 on the entire organization for the support of the strikers, but it will be a long time before this aid is forthcoming.

In the dark, dank basement of Wall-halla Hall nearly 1,000 men who have been turned out of their homes with their families, because they are not able to pay their arrears in rent, have been compelled to sleep on the hard board floor. Their wives and their children they have left with neighbors who have still a roof to cover their heads.

## IT COST A. C. SHERMAN \$75.

His Bill of Election Expenses Filed With the Clerk.

A. C. Sherman is the first of the Shawnee county candidates to file a statement of his election expenses. Mr. Sherman was the successful candidate for representative in the district north of the river. J. J. Schenck was the Populist nominee.

Following is the itemized account: County Central committee ..... \$50.00 Printing announcement ..... 3.00 Cards and 2,000 badges ..... 5.00 Livery ..... 3.50 Livery ..... 1.50 Hotel bill ..... 10.00

..... \$75.00

J. H. Kingman, who was elected trustee of Soldier township, also filed his expense account. It was "Printing primary ticket, 50 cents."

## LOCAL MENTION.

J. H. Nicholson has succeeded J. H. Gamble as Santa Fe station agent at Le Loup, Kan.

General Manager J. J. Frey and Chief Engineer J. Dun of the Santa Fe are in New Mexico.

J. M. Turrence of the Santa Fe car service department will return from Indiana tomorrow.

Leslie G. Brewer, who formerly lived in Topeka, and whose parents live here yet, has been named private secretary to Governor-elect McIntyre of Colorado.

Huss Padgett, who was tried this morning in Justice Furry's court on charge of breaking into Squires' drug store, was discharged. Otis Hangeate defended Padgett.

On Thanksgiving evening the Grand will be open to Albinie's Empire Entertainment company, which is just now playing at Havlin's theater, St. Louis. It is a big company. Beginning Monday night, the 26th, there will be a repertoire company at the Crawford for one week.

The members of the board of education, with their wives, and City Superintendent Davidson and wife, took supper last night at the National hotel with President Taylor and wife, Chancellor Snow of state university and President Fairchild of the agricultural college.

## Destructive Fire in England.

NOTTINGHAM, Nov. 17.—The biggest fire in a quarter of a century here, has destroyed an extensive block of buildings in the lace market district. The flames broke out on the premises owned by Brown & Co., who had large consignments of lace already for shipment to America, which was burned. The damage is estimated at \$750,000. Hundreds of people have been thrown out of work by the fire.

## FITZSIMMONS BROKEN UP.

Says He Didn't Hit Riordan Hard Enough to Hurt a Child.

SYRACUSE, N. Y., Nov. 17.—The fatality which occurred in Jacob Street theater in this city last evening and which resulted in the death of Riordan, who received a blow from Bob Fitzsimmons in a sparring exhibition, is the second sparring fatality in this city. Fitz is in custody and Riordan's body is at the morgue.

"Yank" Sullivan brought the news of his sparring partner's death to Fitz. "My God! you don't mean to tell me Connie is dead," said the pugilist. I cannot believe it. I did not hit him hard enough to injure a child."

Fitzsimmons was completely broken up over the affair. He did not sleep at all last night and refused to eat this morning.

"You can have anything in the world you want, Fitz, if you will only ask for it," said the officer in charge of the police station.

"That's the way they will treat me. You're very kind," was Bob's reply.

To a reporter Fitzsimmons said: "Do you suppose I would strike my sparring partner with any force? I know he had been drinking hard but did not know he was in such a condition. Invariably when I sparred with him he turned blue around the mouth, and it was a sign for me to let up. I never struck him hard."

"Last night I noticed after the first exchange of blows that he was not right. The blow that I delivered that caused the trouble was light as I could make it, merely slapping him with the back of my hand. He fell down and then rose and staggered around. I put my arm around him to assist him off the stage."

"When he fell, headlong, I thought he was faking, and was thoroughly disgusted because somebody in the house, thinking it was a fake, hissed me. I was never hissed before. I began to comprehend in a few minutes that something was wrong with my sparring partner, and I was hurried to find him still unconscious. I attributed this to his drunken condition and thought he would revive from the stupor in a few minutes."

"I have known this man for eight years and he was always a hard drinker. I presume he had some heart difficulty that caused the disaster. I am not fearful of my position. Everybody in the opera house was aware that the blow which I struck was as light as I could possibly make it. Naturally it makes my blood run cold when I think of the condition of my friend, not because I have any fear of the results to me, but I don't want that man's death laid at my door."

An autopsy was held on Riordan's remains at 11 a. m. The certificate issued gives as the cause of death "hemorrhage within the cranial cavity, causing compression of the brain."

Riordan was found to be in perfect health. Dr. D. M. Tolman, who conducted the autopsy, says that Riordan must have been struck a terrific blow on his chin, which communicated a direct blow to the base of the brain. The depression of the right side of the brain was very deep and remained for half an hour after the clot was removed.

Fitzsimmons was arraigned in police court at 1 o'clock on a charge of manslaughter in the last degree.

When Fitzsimmons appeared before Judge Northrup for bail it was then discovered that his attorney had failed to waive examination in his behalf. This formality was necessary before he could be released and he was locked up in the court house cells until the police justice could be found.